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EXAMINER				
BASEHOAR, ADAM L				
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2178				
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Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

Notice of the Office communication was sent electronically on above-indicated "Notification Date" to the following e-mail address(es):

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Office Action Summary

Application No.

10/037,683

Applicant(s)

BRAYTON ET AL.

Examiner

ADAM L. BASEHOAR

Art Unit

2178

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --
Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 14 July 2009.
- 2a) ☒ This action is **FINAL**. 2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 29-47 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 29-47 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
 2. ☐ Certified copies of the priority documents have been received in Application No. _____.
 3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- 1) ☒ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftperson's Patent Drawing Review (PTO-948)
- 3) ☐ Information Disclosure Statement(s) (PTO/SB/CD)
Paper No(s)/Mail Date _____
- 4) ☐ Interview Summary (PTO-413)
Paper No(s)/Mail Date _____
- 5) ☐ Notice of Informal Patent Application
- 6) ☐ Other: _____

DETAILED ACTION

1. This action is responsive to communications: The Amendment filed 07/14/09.
2. Claim 48 has been cancelled as necessitated by the Amendment.
3. All previous rejections to the claims have been maintained.
4. Claims 29-47 remain pending in the case. Claims 29, 37, and 46 are independent claims.

Claim Rejections - 35 USC § 103

5. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

6. Claims 29-43, 46, and 47, are rejected under 35 U.S.C. 103(a) as being unpatentable over Mateos (US-2003/0050995 03/13/03) in view of Coates (US-6,952,737 10/04/05).

-In regard to independent claim 46, Mateos teaches a server comprising:

a management module configured to generate dynamic data (Paragraph 13: “dynamic information from the server”);

a file system storing a web page that had both a first embedded object configured to access the dynamic data and a second embedded object configured to merge the dynamic data with the web page (Paragraphs 29-53: “web pages...example of a web page”; 55: “data section”; 56: “view section”; 58: “the dynamic information is retrieved...display the dynamic information on the client computer”), wherein the first embedded object is executable on a client remote from the server to request the dynamic data (Paragraph 28; Paragraphs 55-59: “browser interprets the

HTML tags...a table with the dynamic data information retrieved from the database of the server computer...display of the web page on the client computer is then split into two distinct and consecutive steps...browser is responsible for executing these instructions, in order to display the dynamic information...script implements the Model that holds the dynamic information being manipulated...template implements the View, which manages the graphical and/or textual display of the dynamic information to the user”), and wherein the web page includes a scripting language function defined by the second embedded object, the scripting language function for merging the dynamic data with the web page (Paragraphs 45-53 & 56: "document further includes a view section...result of a document.write JavaScript command");

wherein the server is configured to further:

send, to the client, the web page that has the first embedded object, the second embedded object, and the scripting language function defined by the second embedded object (Paragraphs 29-53, 68-71, and 77-80);

evaluating the scripting language function (Paragraphs 55 & 70);

in response to the request, retrieve the dynamic data and send the retrieved dynamic data to the client for merging with the web page (Paragraphs 29-53, 68-71, and 77-80).

Mateos does not specifically teach wherein the first embedded object executed on the client specifically requests the dynamic data from the server after receiving the webpage from the managed server and evaluating the embedded scripting function. Coates teaches wherein a plurality of SRL objects embedded in a web page executed on a client specifically request dynamic data (e.g. "object files") to be embedded in said web page from the server (column 26, lines 52-67; column 27, lines 1-65)(Figs. 25 & 26) after said web page was received at said client

from said server and said SRL object were evaluated (column 26, lines 52-67; column 27, lines 1-65: “generates URL requests to the client site...receives...HTML with one or more embedded SRL(s)...generates SRL requests...file(s) contain content that the client desires to embed in the web page...SRL(s) are embedded in the HTML of the clients web page...with the embedded SRL(s), the end user generates...requests to the storage center...downloads object file to end user”). It would have been obvious to one of ordinary skill in the art at the time of the invention for the dynamic information retrieved in Mateos to have been retrieved from the server based on a request from the client after receiving said HTML web page and after evaluating the embedded objects as taught in Coates, because Coates taught by having the embedded objects of the web page request the data from the server, the requested object file content gain the benefit of being directly sent to the end-user computer (column 26, lines 52-67; column 27, lines 1-24: “servers object files directly to the end-user computer”).

-In regard to dependent claim 47, Mateos teaches wherein the second embedded object was executable on a client remote from the server to merge the dynamic data with the web page (Paragraph 30: i.e. example web page rendered at the client browser; Paragraph 56: “view section”; Paragraphs 57-60: “browser interprets the HTML tags”).

-In regard to independent claim 37, Matcos teaches a method of displaying a web page, comprising:

requesting at least a frame (Paragraphs 28, 54-56) of a web page (Paragraphs 29-30: “web pages...example of a web page”) from a managed server (Paragraph 28: “server...delivers

corresponding web pages”), wherein the frame comprised a first embedded object (Paragraphs 34-43 & 55) and a call to a scripting language function defined by the first embedded object (Paragraphs 45-50 & 56), wherein the scripting language function is for merging data corresponding to the first embedded object with the web page (Paragraphs 45-53 & 56: “document further includes a view section...result of a document.write JavaScript command”);

receiving the frame from the managed server (Paragraph 56-59);

based on evaluating the scripting language function (Paragraphs 55 & 70), requesting, by the requesting computer, the data (Paragraph 13: “Paragraph 57: “dynamic information”) corresponding to the first embedded object from a managed server after receiving the frame from the managed server (Paragraphs 56-59: “denote the piece of information to be put in each cell...result of the document.write JavaScript command”);

receiving by the requesting computer the data corresponding to the first embedded object (Paragraphs 56-59);

calling by the requesting computer the scripting language function defined by the first embedded object (Paragraphs 45-53 & 56: “document further includes a view section...result of a document.write JavaScript command”) and

merging by the requesting computer the data corresponding to the first embedded object into the frame (Paragraph 30: i.e. example web page rendered at the client browser; Paragraph 56: “view section”; Paragraphs 57-60: “browser interprets the HTML tags”).

Mateos does not specifically teach wherein the requesting of the data corresponding to the embedded Javascript code was requested from the server after receiving the frame from the managed server and evaluating the embedded scripting function. Coates teaches wherein a

plurality of SRL objects embedded in a web page executed on a client specifically request dynamic data (e.g. "object files") to be embedded in said web page from the server (column 26, lines 52-67; column 27, lines 1-65)(Figs. 25 & 26) after said web page was received at said client from said server and said SRL object were evaluated (column 26, lines 52-67; column 27, lines 1-65: "generates URL requests to the client site...receives...HTML with one or more embedded SRL(s)...generates SRL requests...file(s) contain content that the client desires to embed in the web page...SRL(s) are embedded in the HTML of the clients web page...with the embedded SRL(s), the end user generates...requests to the storage center...downloads object file to end user"). It would have been obvious to one of ordinary skill in the art at the time of the invention for the dynamic information retrieved in Mateos to have been retrieved from the server based on a request from the client after receiving said HTML web page and after evaluating the embedded objects as taught in Coates, because Coates taught by having the embedded objects of the web page request the data from the server, the requested object file content gain the benefit of being directly sent to the end-user computer (column 26, lines 52-67; column 27, lines 1-24: "servers object files directly to the end-user computer").

-In regard to dependent claim 38, Mateos teaches comprises displaying a frame (Paragraph 56-57: "table with the dynamic information retrieved from the database of the server computer is displayed on the client computer").

-In regard to dependent claim 39, Mateos teaches evaluating the frame to identify a source tag of the embedded object (Paragraph 56: "denote the piece of information to be put in each cell...result of the document.write JavaScript command")

-In regard to dependent claim 40, Mateos teaches dynamic data from a management module of the server (Paragraph 29: "retrieve dynamic information requested by the user"; Paragraph 57: "dynamic information retrieved from the database of the server computer").

-In regard to dependent claim 41, Mateos teaches wherein the dynamic data was generated at run time in response to the request for data corresponding to the embedded object (Paragraph 3: "download and display information whose content changes each time it is provided by the server computer"; Paragraph 13: "requesting, by the client computer, the dynamic information from a server computer of the network").

-In regard to dependent claim 42, Mateos teaches wherein the data corresponding to the first embedded object comprises a scripting language function (Paragraph 55: "tag identifying a script written in the JavaScript language")

-In regard to dependent claim 43, Mateos teaches wherein the frame could comprises a plurality of embedded objects linked to dynamic data in the managed server, and wherein the scripting language function was configured to merge the dynamic data with the frame (Paragraph

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30: i.e. example web page rendered at the client browser; Paragraph 56: "view section"; Paragraphs 57-60: "browser interprets the HTML tags").

-In regard to independent claim 29, Mateos teaches a method for serving data from a managed server, comprising:

serving a web page (Paragraphs 29-30: "web pages...example of a web page") to a requesting computer (Paragraph 13: "requesting, by the client computer") from a managed server (Paragraph 28: "server...delivers corresponding web pages"), the web page comprising a source call (Paragraphs 29-43 & Paragraph 55) to an object file (Paragraphs 29 & 55-56) and code including scripting language functions defined by the object file (Paragraphs 45-50 & 56), wherein the requesting computer was remote from the managed sever (Fig. 2: 125c & 125s), and wherein at least one of the scripting functions is for merging data associated with the object file with the web page (Paragraphs 56-59: "denote the piece of information to be put in each cell...result of the document.write JavaScript command");

receiving a request from the requesting computer to the managed sever for the object file (Paragraph 57-59),

populating the object file in real-time with data from a management module of the managed server (Paragraph 3: "download and display information whose content changes each time it is provided by the server computer"; Paragraph 13: "requesting, by the client computer, the dynamic information from a server computer of the network");

serving the object file to the requesting computer after populating the object file (Paragraphs 57-59).

Mateos does not specifically teach wherein the first embedded object executed on the client specifically requests the dynamic data from the server after receiving the webpage from the managed server and evaluating the embedded scripting function. Coates teaches wherein a plurality of SRL objects embedded in a web page executed on a client specifically request dynamic data (e.g. "object files") to be embedded in said web page from the server (column 26, lines 52-67; column 27, lines 1-65)(Figs. 25 & 26) after said web page was received at said client from said server and said SRL object were evaluated (column 26, lines 52-67; column 27, lines 1-65: "generates URL requests to the client site...receives...HTML with one or more embedded SRL(s)...generates SRL requests...file(s) contain content that the client desires to embed in the web page...SRL(s) are embedded in the HTML of the clients web page...with the embedded SRL(s), the end user generates...requests to the storage center...downloads object file to end user"). It would have been obvious to one of ordinary skill in the art at the time of the invention for the dynamic information retrieved in Mateos to have been retrieved from the server based on a request from the client after receiving said HTML web page and after evaluating the embedded objects as taught in Coates, because Coates taught by having the embedded objects of the web page request the data from the server, the requested object file content gain the benefit of being directly sent to the end-user computer (column 26, lines 52-67; column 27, lines 1-24: "servers object files directly to the end-user computer").

-In regard to dependent claim 30, Mateos teaches wherein populating the object file comprises populating the object file with a scripting function (Paragraph 30: i.e. note coded web page; Paragraph 55: "script written in JavaScript").

-In regard to dependent claim 31, Mateos teaches wherein the scripting function populated in the object file was JavaScript (Paragraph 55: "script written in JavaScript").

-In regard to dependent claim 32, Mateos teaches wherein populating the object file comprise populating the object file with an array of data (Paragraph 29: "assigns the value of a record (or field) extracted from the database"; Paragraphs 30-59).

-In regard to dependent claim 33, Mateos teaches wherein populating the object file comprises acquiring real-time data indicative of a current status of a server (Paragraph 3: "download and display information whose content changes each time it is provided by the server computer"; Paragraph 13: "requesting, by the client computer, the dynamic information from a server computer of the network").

-In regard to dependent claim 34, Mateos teaches wherein populating the object ifle comprises providing a language localization file (Paragraph 60: "includes a field defining the language of the strings"; Paragraphs 63 & 66).

-In regard to dependent claim 35, Mateos teaches serving the web page configured for a client computer which included a CPU, a storage memory, and RAM (Paragraph 23). Mateos does not specifically teach wherein the web page was configured for a handheld or palmtop computer platform. It would have been obvious to one of ordinary skill in the art at the time of

the invention for the client computer of Mateos to have been a handheld or palmtop computer for receiving the web pages, because PDA's, palmtops, and handhelds were notoriously well known in the art at the time of the invention as web computing devices that provided the benefit of mobile web accesses. Additionally, Mateos teaches distributing the web page in HTML format (Paragraph 28), which was notoriously well known in the art at the time of the invention to be visualized by hand held or palmtop interfaces for the purpose of determining the layout and style of displayed web content.

-In regard to dependent claim 36, Mateos teaches serving the web page and dynamic data across the Internet (Paragraphs 3-4, 13, & 22: "Internet"). Mateos does not specifically teach when serving the web page, comprised serving a web page across a firewall. It would have been obvious to one of ordinary skill in the art at the time of the invention for the web page of Mateos to have been sent across a firewall, because it was notoriously well known in the art at the time of the invention that firewalls provided the advantage of increased network security by enforcing restrictions on certain users and data.

7. Claim 44 is rejected under 35 U.S.C. 103(a) as being unpatentable Mateos (US-2003/0050995 03/13/03) in view of Coates (US-6,952,737 10/04/05) in further view of Chen (US-6,021,437 02/01/00).

-In regard to dependent claim 44, Mateos teaches a desire to provide the generated dynamic content from the server each time the content was requested by the client (Paragraph 3: "download and display information whose content changes each time it is provided by the server

computer”; Paragraph 13: “requesting, by the client computer, the dynamic information from a server computer of the network”). Mateos does not specifically teach wherein the data corresponding to the embedded object comprises current time and the dynamic data gathered at the managed server at the current time. Chen teaches wherein a client request for dynamic data of a managed server was requested, gathered, and delivered for display at the current real-time (Abstract; column 2, lines 31-67, column 4, lines 10-19). It would have been obvious to one of ordinary skill in the art at the time of the invention for the dynamic data of Mateos to have been created at a current real-time as disclosed in Chen et al, because Chen et al teach said process provides a simple, effective, and inexpensive to implement way for real-time monitoring of data (column 2, lines 31-38).

8. Claim 45 is rejected under 35 U.S.C. 103(a) as being unpatentable over Mateos (US-2003/0050995 03/13/03) in view of Coates (US-6,952,737 10/04/05) in further view of Lynch et al (US-6,823,319 11-2004).

-In regard to dependent claim 45, Mateos teaches merging the dynamic data into the zones or areas defined by the scripts in the HTML document (Paragraph 55-60). Mateos does not specifically teach populating a drop-down menu with a dynamic data menu item. Lynch et al teach utilizing static HTML as well as a script to populate a drop-down menu with menu items for display to a user (column 7, lines 1-8). It would have been obvious to one of ordinary skill in the art at the time of the invention for the scripted dynamic content of Mateos to have populated a drop-down menu, because Lynch taught that said method saves time by creating the dynamic data from previously entered data (column 2, lines 8-24; column 7, lines 1-15).

9. Claim 48 is rejected under 35 U.S.C. 103(a) as being unpatentable over Mateos (US-2003/0050995 03/13/03) in view of Coates (US-6,952,737 10/04/05) in further view of "Compaq Remote System Management for Industry-Standard Servers", Compaq Computer Corporation, Technology Brief, September 2001 (Hereafter "Compaq").

-In regard to dependent claim 48, Mateos does not teach a lights-out management module for the server. Compaq teach a providing a lights-out management module for a managed server (Page 8: "Lights-Out Technology"). It would have been obvious to one of ordinary skill in the art at the time of the invention for Mateos to have operated a lights-out management module for said managed server, because Compaq taught that a lights-out management module maximized efficiency (Paragraph 3: Introduction) by enabling IT administrators to be virtually present at the sever, as though they were actually standing in front of it, which allowed administrators the ability to control the system for anywhere at any time through a standard browser (Pages 8-9).

Response to Arguments

10. Applicant's arguments filed 07/14/09 have been fully considered but they are not persuasive.

-In regard to independent claim 37, Applicant argues neither Mateos nor Coates teaches wherein the data request corresponding to the first embedded object was performed after receiving the frame of the web page from the managed server, wherein the frame has the first embedded object and a call to a scripting language function defined by the embedded object.

The Examiner respectfully disagrees with the Applicant. As discussed above in the rejection, Mateos clearly teaches a scripting language function for requesting dynamic data to be incorporated into a retrieved web page as well as evaluating a call to said scripting language function to merge said retrieved data with said web page (Paragraph 55: "HTML document has a data section"; Paragraph 56: "HTML document further includes a view section"). The Examiner agrees that Mateos does not specifically teach wherein the web page was sent to client and then the first embedded object was evaluated for a corresponding data request and data merge operation. Coates clearly teaches wherein a web page with embedded SRL objects was served to a client device and after receiving said web page the embedded objects were evaluated and corresponding data requests and merge operations were performed (column 26, lines 52-67; column 27, lines 1-65: "generates URL requests to the client site...receives...HTML with one or more embedded SRL(s)...generates SRL requests...file(s) contain content that the client desires to embed in the web page...SRL(s) are embedded in the HTML of the clients web page...with the embedded SRL(s), the end user generates...requests to the storage center...downloads object file to end user"). Applicant further argues that the SRLs of Coates do not constitute a scripting language function of claim 37 in that the SRLs do not merge data corresponding to the first embedded object with the web page. The Examiner respectfully disagrees with the Applicant. As noted above, the Mateos reference has been specifically relied upon to teach the call to the scripting language function for merging data corresponding to the first embedded object (Paragraph 56: "HTML document further includes a view section"). While not relied upon for said feature, the Examiner notes that Coates teaches wherein the SRL embedded objects were utilized for merging data with the web page (column

27, lines 11-46: “contain content that the client desires to embed in the web page...downloads the object file to the user”). Additionally, the Applicant also argues that Mateos fails to teach or suggest that the web page of Mateos includes a scripting language function for merging data corresponding to the first embedded object based on an evaluation of the scripting language function. The Examiner respectfully disagrees with the Applicant, and as noted above, the view section of the HTML document of the Mateos reference clearly teaches evaluating a Javascript command corresponding to the first embedded object in the data section of the web page for merging the retrieved data into the web page (Paragraph 56: i.e. the retrieved data was merged into different cells of a table in the returned HTML web page).

In general, the Examiner notes that as currently claimed the embedded scripting language functions for accessing data and merging/formatting said data within a web page read on the notoriously well known functionality of JavaScript applets. For instance, the previously cited Siow et al reference (US-6,301,590) teaches embedding one or a plurality of Java applets in a HTML page, sending said HTML page to a client browser, evaluating said applets at said client browser, requesting data from a server/data repository based on said evaluation, and merging/formatting/displaying said received data on the client device in said HTML page.

Conclusion

11. **THIS ACTION IS MADE FINAL.** Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire THREE MONTHS from the mailing date of this action. In the event a first reply is filed within TWO MONTHS of the mailing date of this final action and the advisory action is not mailed until after the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the mailing date of this final action.

12. The prior art made of record and not relied upon is considered pertinent to applicant's disclosure. Please note the additionally cited references on the accompanying PTO-892 Form.

13. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Adam L. Basehoar whose telephone number is (571)-272-4121. The examiner can normally be reached on M-F: 7:00am - 4:00pm.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Steve Hong can be reached on (571) 272-4124. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

/Adam L Basehoar/
Primary Examiner, Art Unit 2178